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RUEHBJ/AMEMBASSY BEIJING 1651  
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RUEHUL/AMEMBASSY SEOUL 1280  
RUEHLO/AMEMBASSY LONDON 0543  
RUEHAST/AMCONSUL ALMATY 2118  
RUCNDT/USMISSION USUN NEW YORK 2646  
RUEHNO/USMISSION USNATO 2941  
RUEAAIA/CIA WASHDC  
RHEFAAA/DIA WASHDC  
RHEHNSC/NSC WASHDC 1846  
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UNCLAS SECTION 01 OF 02 ASTANA 002232

SENSITIVE  
SIPDIS

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TAGS: PREL PHUM PGOV SOCI KWMN KZ

SUBJECT: KAZAKHSTAN: GENDER RIGHTS ADVANCE WITH PASSAGE OF TWO LAWS

REF: ASTANA 1810

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¶1. (U) Sensitive but unclassified. Not for public Internet.

¶2. (SBU) SUMMARY: President Nazarbayev signed into law legislation on domestic violence and gender equality. The gender-equality law introduces for the first time the legal concept of gender and outlaws gender-based discrimination. The law on domestic violence clarifies the roles of the government, law enforcement agencies, and NGOs in assisting victims. It commits government funding for NGO-run shelters, and introduces the concept of a restraining order. Civil society activists believe the laws represent a good first step in the fight against gender violence and discrimination. NGOs plan to utilize the healthy dialogue between civil society and the parliament to fight for further legislative improvements. END SUMMARY.

¶3. (SBU) President Nazarbayev signed laws on domestic violence and gender equality on December 5 and 10, respectively. Both pieces of legislation were a high priority for equal-rights groups and NGOs working with domestic-violence victims. Languishing in the parliament since 2006, the laws received a new lease on life in September when President Nazarbayev, speaking at the first session of the Mazhilis (lower house), called on parliamentarians to pass them before the end of the year.

GENDER-EQUALITY LAW

¶4. (SBU) The law on "Government Guarantees for Equal Rights and Opportunities for Men and Women" defines for the first time the terms "gender," "gender equality," "sexual discrimination," and "equal opportunity." It outlaws discrimination based on gender. However, the parliamentarians removed a clause that would have made sexual harassment illegal. Under the new law, men and women must have equal access to education, social benefits, and jobs in public and private sectors, and employers must consider gender balance when downsizing. The law does not establish quotas on gender representation in the government or parliament. (NOTE: Currently, 17 women and 90 men serve in the lower house of the parliament. END

NOTE.) One female parliamentarian told us that opposition to quotas, which existed in earlier versions, was one major reason the law languished so long in parliament (reftel).

#### DOMESTIC VIOLENCE LAW

¶15. (SBU) The law on "Prevention of Domestic Violence" defines the terms "domestic violence," "victim," and "prevention of domestic violence." It identifies various types of domestic violence, including physical, psychological, sexual, and economic. It also delineates the roles of the national and local government, law enforcement agencies, and NGOs in the prevention of and response to domestic violence. Under the new law, NGOs are responsible for the protection of and provision of initial physical and psychological assistance to victims, while the government commits to support shelters with budgetary funds. The legislation also introduces the concept of a restraining order, which the police can issue without a court order, for 24 hours to 10 days. The Procurator General's Office can extend the order up to 30 days, and courts can establish additional restrictions, including prohibitions on all contact with the victim and transport of a weapon.

#### GOOD FIRST STEP

¶16. (SBU) In commemoration of the 16-Day Campaign to End Violence Against Women, the DCM hosted a round-table on December 10 in Almaty to gather NGO views on the new gender-violence law. According to the participants, the law is a "good first step," but needs further changes to be truly effective. Civil society activists told the DCM that they actively contributed to working-group discussion of the law and proposed numerous concrete provisions, many of which the final draft did not incorporate. The president of the Union of Crisis Centers' Zulfiya Baisakova and director of the "Podrugii"

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Crisis Center Nadezhda Gladyr pointed out that the victim, and not the abuser, must leave the shared household under the new law. Other participants noted that the law does not concretely spell out the government-funding mechanism for NGO shelters. All agreed that once this method is clarified, the law could have a real impact. The NGO representatives called that parliamentarians "responsive" to NGO recommendations and several promised to continue to fight for amendments.

¶17. (SBU) In a separate discussion, equal-rights activists celebrated the adoption of the gender law as a long-sought victory. Although parliamentarians removed several significant provisions, most notably quotas and the establishment of a separate government agency to oversee gender issues, several activists praised the law as a major step forward in addressing gender inequality. Yuriy Zaitsev of the Almaty Feminist League noted that the law defined for the first time gender-related legal terms. Meruert Kazbekova of the Union of Women Entrepreneurs underlined that the law signified the government's will to guarantee equality for men and women. Raushan Sarsembayeva of Kazakhstan's Business Women's Association was optimistic that the legislation will serve as a spring board for further legislative reforms.

¶18. (SBU) COMMENT: Civil society activists agree that the two new laws represent forward movement in the battle against gender discrimination and domestic violence. Although the legislation is not perfect, and numerous kinks will have to be worked out in implementation, civil society leaders remain optimistic because of the healthy dialogue with the parliament on gender issues they established. This connection will play a key role in their push for further legislative improvements. END COMMENT.

HOAGLAND